

### REMARKS

Claims 3 to 10, 12, 15, 17 to 23, and 26 are pending in the application.<sup>1</sup> Claims 8 and 15 are independent. Favorable reconsideration and further examination are respectfully requested.

Initially, new drawings have been submitted, as required by the Examiner.

Next, we thank the Examiner for the indication that claims 3 to 10, 17 to 22, and 26 have been indicated to be allowable, and for the indication that claim 25 recites allowable subject matter. As shown above, the subject matter of claim 25 and intervening claim 24 has been incorporated into independent claim 15. Accordingly, independent claim 15, and the claims that depend therefrom, are believed to be allowable.

We have also made changes to claim 8 to address what appears to be an inconsistency in the definitions of “first” and “second” electrodes. These changes are not believed to affect the patentability of claim 8. Accordingly, claim 8, and the claims that depend therefrom, are believed to be allowable.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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<sup>1</sup> The Examiner is urged to independently confirm this recitation of the pending claims.

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

The undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-521-7896.

No additional fees are believed to be due for this amendment, however, if any fees are due, please charge them to deposit account 06-1050, referencing Attorney Docket No. 14219-080US1.

Respectfully submitted,

June 4, 2009

/Paul Pysher/

Date: \_\_\_\_\_

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